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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGELA MACK
1107 Cathedral Ridge Street
Henderson, NV 89052

Plaintiff

vs.

PATENAUDE & FELIX, A.P.C.
213 East Main Street
Carnegie, PA 15106

Defendant

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (‘FDCPA’).

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. JURISDICTION

3. Jurisdiction arises under 15 U.S.C. §1692k, and 28 U.S.C. §1331, §1337.

III. PARTIES

4. Plaintiff is Angela Mack. She is a consumer who resides in Henderson, Nevada at the address captioned.

5. Defendant, Patenaude & Felix, A.P.C. (hereinafter ‘Patenaude’) is believed to be a Pennsylvania corporation with a principal place of business in Carnegie, Pennsylvania and a mailing address as captioned. Patenaude regularly does business in this district.

6. Patenaude uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

7. Patenaude is a ‘debt collector’ as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

8. On or about June 8, 2005, defendant sent to plaintiff a collection notice seeking to collect on an account alleged to be due to MBNA America Bank, N.A. A true and correct copy of the letter is attached hereto as Exhibit ‘A’ (redacted for privacy, per local rule).

9. In the body of the letter, defendant debt collector states ‘In the event that legal action is pursued and judgment is ultimately obtained against you, the judgment may include all court costs, prejudgment interest and attorney’s fees in addition to the principal amount currently owed.’

10. The letter then goes on to state ‘If you wish to eliminate further legal action, please contact us at (858) 244-7600... ..’. The letter is signed by a Raymond A. Patenaude, ESQ.

11. The FDCPA prohibits a debt collector from using any false, deceptive or misleading means in connection with the collection of a debt alleged due, including as to the legal status of a debt. 15 U.S.C. §1692e, §1692e(2)(A).

12. Defendant's reference to "further legal action" states or implies the pendency of a legal action. No lawsuit to collect the amount had been filed as of the date of the writing of the letter.

13. Defendant's collection notice misrepresents the legal status of the matter and the pendency of a legal action to collect the debt, in violation of the FDCPA.

COUNT I

14. Plaintiff repeats the allegations contained above as if the same were set forth herein at length.

15. Defendant's June 8, 2005 letter violates the FDCPA in the following ways:

- (a) by using false, deceptive or misleading representations or means in connection with the collection of a debt alleged due, in violation of 15 U.S.C. §1692e;
- (b) by falsely representing the legal status of the debt alleged due, in violation of 15 U.S.C. §1692e(2)(A); and
- (c) by using any false representation or deceptive means to collect or attempt to collect a debt alleged due, in violation of 15 U.S.C. §1692e(10).

WHEREFORE, Plaintiff Angela Mack demands judgment against defendant Patenaude & Felix, A.P.C. for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 6/7/06

/s/ Theodore E. Lorenz (TEL5114)

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